

EXHIBIT 26

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

EL PASO COUNTY, TEXAS
500 E. San Antonio
El Paso, TX 79901,

BORDER NETWORK FOR HUMAN RIGHTS
2115 N Piedras St
El Paso, TX 79930,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States of America
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500,

PATRICK M. SHANAHAN, in his official capacity as
Acting Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301,

KEVIN McALEENAN, in his official capacity as
Secretary of Homeland Security
245 Murray Lane, SW, Mail Stop 0485
Washington, DC 20528-0485,

TODD T. SEMONITE, in his official capacity as
Commanding General
United States Army Corps of Engineers
441 G Street, NW
Washington, DC 20314-1000,

DAVID BERNHARDT, in his official capacity as
Acting Secretary of the Interior
1849 C Street, NW
Washington, DC 20240,

Defendants.

Civil Action No. 3:19-cv-66

**DECLARATION OF
RICARDO SAMANIEGO**

DECLARATION OF RICARDO SAMANIEGO

My name is Ricardo Samaniego. I hereby declare:

1. I am over the age of 18. I provide this declaration based on personal knowledge. I would testify to the facts in this declaration under oath if called upon to do so.
2. I was elected to be El Paso County Judge on May 22, 2018, and entered office in January 2019. As County Judge, I preside over the El Paso County Commissioners Court. The County Judge and four-member Commission set the County's tax rate and oversee its budget.
3. El Paso County is bilingual, bi-national, multicultural, and geographically distinct. El Paso County has over 800,000 residents, more than 82 percent of whom are Hispanic and more than 25 percent of whom are foreign born. It is part of the largest border community on the Rio Grande, and one of the safest communities in the nation. El Paso County takes great pride in protecting all of its residents and its values, and has been a leader in the fight against discrimination of all types for decades, with a special focus on protecting the civil rights of its immigrant communities.
4. From the beginning of my tenure as County Judge, I have been a strong advocate for economic development and tourism in El Paso County. El Paso County's ability to compete for business development projects and attract tourists to our community both depend on El Paso County's reputation as a safe place to live, work, and visit, as well as the natural beauty and accessibility of the tourist destinations in the region, including the border itself.
5. Our current budget projects that El Paso County will take in \$4 million in tax revenue based on tourism. Any drop-off in that revenue would significantly damage the County's

financial health. And any threat to our ability to compete for tourism both causes us to spend time and resources now to meet the threat and damages our future economic prospects.

6. Based on my experience in business and organizational development, prior to holding elective office and my current experience in County government, I know that the President's Proclamation declaring an emergency at the southern border is a serious threat to both tourism and economic development because of the false and negative impression of El Paso that it creates. It is an immediate blow to our competitive position in the market.
7. The President's Proclamation is an official government statement that designates the southern border as a danger zone and that directly contradicts the key selling points El Paso County has spent millions of dollars to develop and promote. The truth about El Paso County – and our central marketing message to outside investors and tourists – is that it is one the safest and most beautiful destinations in the country precisely because of the multilingual and multinational character of our community and our proximity to and positive relationship with Juarez, Mexico.
8. The President's Proclamation has falsely told the world the exact opposite of who we are and what we promote, and has taken away our greatest promotional asset. The Proclamation tells the nation and the world that El Paso County and the southern border are crime-ridden and dangerous, that our immigrant community comprises criminals and drug traffickers that threaten our community, that our proximity to Mexico is an existential threat, and that we can be rescued only through the blight of massive wall construction and militarization of our border.

9. This designation could not have come at a worse time for El Paso County's economic fortunes and our future planning for growth. In recent years, El Paso County has undertaken major efforts at great taxpayer expense to promote economic development. Increasing tourism is a key driver of that development. El Paso has secured the opening of new downtown hotels and refurbished historical sites as part of a strategic plan to bring tourism and its attendant revenue to the County. El Paso County entered into and helped to fund a three-year multi-million dollar tourism campaign with the City of El Paso that is aimed specifically at raising El Paso's share of the Texas tourism market.
10. In my capacity as County Judge, I have already heard personally from people who have a false impression that El Paso County is a dangerous place and who do not want to come here.
11. And I have already observed the effects of this false impression on the County's opportunities to compete for development initiatives and tourism. As part of my position, I frequently consult with local business leaders and partner with them on economic growth initiatives. Those interactions have indicated to me that the President's Proclamation is harming our economic development efforts on an ongoing basis, including by generating fears of potential investors that the community will be mired in a long-term state of chaos that includes both violent crime, the blight of construction, and impediments to crossing back and forth across the border. In short, every meeting anyone promoting El Paso has must now include extra efforts to persuade people that El Paso County is a good place to invest in and visit.
12. The President's Proclamation has fundamentally altered the character of my first 100 days in office and I've had to change the way I spend my time. Instead of focusing on

meeting directly with business leaders to bring business to El Paso as I had planned to do, I have spent approximately 30% of my time making public statements and answering media requests about the “emergency” in El Paso, defending El Paso’s reputation as a safe community through public and private conversations, strategizing with County staff and local business leaders about how to defend our reputation, and controlling the damage that the President’s specific attacks on Mexico have inflicted on our unique local economy and lifestyle. El Paso County simply cannot allow the message that proximity to Mexico is negative and dangerous to sink in, as our closeness to Mexico is critical to our economic and cultural survival. My time is now also beholden to the uncertainty created by the constant need to respond to these issues.

13. To be sure, I have also spent significant time responding to the humanitarian issues presented by the large presence of migrants in El Paso County and to the issues presented by long wait times at the border, which are not the direct result of the President’s Proclamation. But the Proclamation that falsely maligns our community, our immigrant residents, and our Mexican neighbors, makes every current challenge we are facing that much worse.
14. In addition to the outright falsehoods perpetuated by the President that have damaged El Paso County’s reputation, the Proclamation also delivers the imminent threat of additional economic harm to our region through construction, the deployment of troops, and the diversion of funds away from Fort Bliss, the army base that drives our economy.
15. According to a 2016 Report from the Texas Comptroller’s Office, Fort Bliss contributes \$23.13 billion to the Texas economy. According to other recent studies, such as the one undertaken by the University of Texas-El Paso’s Institute for Policy and Economic

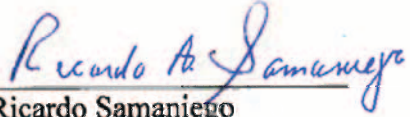
Development in 2013, Fort Bliss and its adjacent medical center have a \$5.9 billion economic impact on El Paso County, and create nearly 62,000 jobs with more than \$4 billion in compensation to area households. In my view, Fort Bliss is the lifeblood of the El Paso economy. I know from my own experience in both business and government that the financial health of Fort Bliss affects the real estate market and every other aspect of the economy in El Paso.

16. The Department of Defense, acting pursuant to the President's Proclamation, recently identified \$52.3 million appropriated for military construction projects at Fort Bliss as available to be reprogrammed for construction of border barriers. This announcement creates the imminent prospect of economic harm to El Paso County.
17. The administration has also now announced imminent plans to engage in wall construction with the funds it is illegally reprogramming under the Proclamation, and the Army Corps of Engineers has awarded contracts to start work within a few weeks. Much of this construction will happen at our immediate neighboring border area in New Mexico. According to the Department of Defense's announcement, it will affect the nearby port in Santa Teresa, Mexico, which is only 20 minutes from downtown El Paso, and the entirety of the border in Dona Ana County, which immediately adjoins El Paso County. This construction is a threat to El Paso County because it creates uncertainty about traffic, the accessibility of nearby ports, and blighted and obstructed natural sites that are tourist destinations for visitors to El Paso County. This uncertainty, in turn, further affects our efforts to promote business development and tourism.
18. The blight of construction across the entirety of the Mexico-New Mexico border affects the prospects of business development in El Paso County because of our immediate

proximity to it. As with the Proclamation's effects on our ability to compete for business investment and tourism, the blight of construction acts as an equally destructive strike against us in our various negotiations, as does the uncertainty of how it will play out.

19. Massive construction in New Mexico also affects tourism in El Paso County. When people come to El Paso County, they often come to visit attractions here, in New Mexico, and Mexico at the same time. Uncertainty about construction that will impede such visits undercuts another of our selling points and threatens our revenues.
20. Finally, the construction defeats the residents of El Paso County in their own enjoyment of their border community home. Residents of El Paso value their ability to access and enjoy the natural beauty of the New Mexico-Mexico border. The administration's illegal construction will greatly restrict our ability to do so.
21. I declare under the penalty of perjury under the law of the United States that the foregoing is true and correct to the best of my knowledge.

DATE: April 23, 2019


Ricardo Samaniego